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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	No. CR 16-00440 WHA
)	
Plaintiff,)	STIPULATION AND [PROPOSED] ORDER
)	EXCLUDING TIME FROM JULY 24, 2018,
v.)	THROUGH JANUARY 28, 2019.
)	
YEVGENIY ALEXANDROVICH NIKULIN,)	
)	
Defendant.)	
)	
)	

Defendant Yevgeniy Nikulin, represented by Arkady Bukh and Valery Nechay, and the United States, represented by Assistant United States Attorneys Michelle J. Kane and Matthew A. Parrella, hereby stipulate to the following:

- On July 6, 2018, the Court signed a Supplemental Scheduling Order setting trial to commence with jury selection on January 28, 2019. ECF No. 43.
- The parties appeared before the Court on July 24, 2018, for a further status conference;
- At the status conference, the Court set the next appearance in the case on August 7, 2018, at 2:00 p.m. for a further status conference regarding defendant's attempts to obtain mental health

STIPULATION & [PROPOSED] ORDER
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1 records;

2 4. The Court, with the agreement of the parties, continued the previous complex case
3 designation based on the nature of the prosecution, pursuant to 18 U.S.C. § 3161(h)(7)(B)(ii);

4 5. The Court, also with the agreement of the parties, found that the time until the trial date
5 was necessary for effective preparation of defense counsel, taking into account the exercise of due
6 diligence, pursuant to 18 U.S.C. § 3161(h)(7)(B)(iv);

7 6. The parties agreed that the ends of justice served by excluding the period from July 24,
8 2018, through January 28, 2019, from Speedy Trial Act calculations outweigh the interests of the public
9 and defendant in a speedy trial, in accordance with 18 U.S.C. § 3161(h)(7)(A) and (B).

10 IT IS SO STIPULATED.

11 DATED: July 26, 2018

Respectfully submitted,

12 ALEX G. TSE
13 Acting United States Attorney

14 /s/
MICHELLE J. KANE
15 MATTHEW A. PARRELLA
16 Assistant United States Attorneys

17 /s/
18 ARKADY BUKH
Counsel for Yevgeniy Alexandrovich
19 Nikulin

20 /s/
21 VALERY NECHAY
Counsel for Yevgeniy Alexandrovich
22 Nikulin

23 **ORDER**

24 Based upon the agreement of counsel at the July 24, 2018, status conference, and for good cause
25 shown, the Court finds that the case is complex based on the nature of the prosecution and that it is
26 therefore unreasonable to expect adequate preparation for pretrial proceedings or for the trial itself
27 within the time limits established by the Speedy Trial Act. 18 U.S.C. § 3161(h)(7)(B)(ii). Also based
28

1 upon the agreement of counsel, and for good cause shown, the Court finds that failing to exclude the
2 time between July 24, 2018, and January 28, 2019, would unreasonably deny counsel for the defendant
3 the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.
4 18 U.S.C. § 3161(h)(7)(B)(iv). The Court further finds that the ends of justice served by granting the
5 continuance outweigh the best interests of the public and the defendant in a speedy trial. 18 U.S.C. §
6 3161(h)(7)(A). Therefore, IT IS HEREBY ORDERED that the time from July 24, 2018, through
7 January 28, 2019, shall be excluded from computation under the Speedy Trial Act. 18 U.S.C. §
8 3161(h)(7)(A) and (B)(ii), (iv).
9 IT IS SO ORDERED.

10 Dated:

HON. WILLIAM ALSUP
United States District Judge